

**JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE**

Court, Position, and Seat # for which you are applying: Circuit Court, At-Large, Seat 1

1. Name: Mr. Timothy Ward Murphy
Mrs.
Ms.

Name that you are known by if different from above
(Example: A Nickname): "Tim" / "Murph"

Are you currently serving in some capacity as a judge?
(Includes Municipal, Magistrate, Etc.) No

Home Address: [REDACTED]

Business Address: 107 N. Main Street, Sumter SC 29150

E-Mail Address: [REDACTED]

Telephone Number: (home): [REDACTED]
(office): (803) 418-0800

2. Date of Birth: [REDACTED] 1958
Place of Birth: Pittsburgh, Pennsylvania, USA
Social Security Number: [REDACTED]

3. Are you a citizen of South Carolina? Yes
Have you been a resident of this state for at least the immediate past five years? Yes

4. SCDL# or SCHD#: [REDACTED]
Voter Registration Number: [REDACTED]

5. Family Status: In the space below, (a) state whether you are single, married, widowed, divorced, or separated; (b) if married, state the date of your marriage and your spouse's full name; (c) if you have ever been divorced or are in the process of obtaining a divorce, state the date, name of the moving party, court, and grounds; and (d) state the names of your children and their ages. If your children are old enough to work, include the occupation of each child.

Family status: married to Jody Diane (Henderson) Murphy on November 8, 1986;

I have never been divorced;

My children are [REDACTED]

Both serve as officers in the United States Air Force.

6. Have you served in the military? If so, give the dates, branch of service, highest rank attained, serial number (if applicable), present status, and the character of your discharge or release. January 15, 1987-February 1, 2007, United States Air Force, Lieutenant Colonel, retired status
7. List each college and law school you attended, including the dates of your attendance, the degrees you received, and if you left an institution without receiving a degree, the reason for your departure.
- (a) Liberty University School of Law, Lynchburg VA (2016-) (enrolled in online LL.M)
 - (b) Duquesne University School of Law, Pittsburgh PA (1982-86) Juris Doctor
 - (c) Duquesne University (1980-84) Master of Arts (Political Science)
 - (d) Duquesne University (1977-80) Bachelor of Arts (cum laude) (Political Science)
 - (e) Saint Fidelis College, Herman PA (1976-77) transferred to Duquesne after deciding not to continue seminary studies for Catholic priesthood
8. List the states in which you have been admitted to practice law and the year of each admission. Also list any states in which you took the bar exam but were never admitted to the practice of law. If you took the bar exam more than once in any of the states listed, please indicate the number of times you took the exam in each state.
- (a) Pennsylvania, 1986 (presently inactive);
 - (b) South Carolina, 2006
9. List the significant activities in which you took part during your attendance at college, graduate, and law school. Give the dates you were involved in these activities and list any leadership positions you held.
- (a) Dean's List ('76-'80));
 - (b) Student Government Association ('78-80);
 - (c) Resident Assistant/Assistant Resident Director ('79-'85);
 - (d) Graduate Teaching Assistant ('80-82);
 - (e) Duquesne University Law Review ('83-'85);
 - (f) Law School Teaching Assistant ('85-'86)
10. Describe your continuing legal or judicial education during the past five years.
- | <u>Conference/CLE Name</u> | <u>Dates</u> |
|---|--------------|
| (a) Federal Criminal Practice—Fall 2015 | 10/29/15 |
| (b) 2015 Annual Public Defender Conference | 9/21/15 |
| (c) Circuit Court Mediation Training | 4/23/15 |
| (d) Family Law Mediation Training | 3/26/15 |
| (e) CJA Mini-Seminar—Spring 2014 | 5/2/14 |
| (f) Federal Criminal Practice—Fall 2013 | 10/24/13 |
| (g) 2013 Annual Public Defender Conference | 9/23/13 |
| (h) CJA Mini-Seminar—Spring 2013 | 5/3/13 |
| (i) Lawyer Mentoring Program | 3/1/13 |
| (j) Special Issues in Military Divorce (teaching) | 12/11/12 |
| (k) Federal Criminal Practice—Fall 2012 | 10/25/12 |
| (l) 2012 Annual Public Defender Conference | 9/24/12 |

(m) Federal Criminal Practice—Fall 2011	10/20/11
(n) 2011 Annual Public Defender Conference	9/26/11
(o) Understanding the Immigration Case	7/6/11
(p) CJA Mini-Seminar—Spring 2011	5/13/11

11. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs? If so, briefly describe each course or lecture.
- (a) I lectured in 2012 at a one credit on-demand video webcast titled Special Issues in Military Divorce;
 - (b) I taught sections on military organizations and military clients in 2011 at a CLE program titled Representing Service members and Veterans in Columbia SC;
 - (c) In 2009 I taught a CLE section about military divorce issues at a CLE on Special Issues in Military Divorce in Columbia SC;
 - (d) In 2003 at the United States Army Judge Advocate General School in Charlottesville, VA, I lectured on Homeland Security issues to military attorneys;
 - (e) Between 2002-03 at the Defense Equal Opportunity Management Institute (DEOMI) at Patrick AFB, FL, I taught sections on unlawful discrimination and sexual harassment to students studying to become AF social actions representatives;
 - (f) Between 1994-96 and 2000-01, at the United States Air Force Judge Advocate General School at Maxwell AFB, AL, I taught trial advocacy courses and critiqued less experienced military attorneys using NITA method;
 - (g) From 1993-97, I taught at the United States Air Force Academy, Colorado;
 - (h) From 1987-90, I taught Business I and II courses for credit for the University of Maryland (Overseas Division) RAF Greenham Common, UK;
 - (i) From 1987-88, I taught real estate courses for credit for the City Colleges of Chicago (Overseas Division), RAF Greenham Common, UK;
 - (j) From 1985-86, I was a teaching assistant at Duquesne University School of Law, and instructed first year students on legal writing and research.
12. List all published books and articles you have written and give citations and the dates of publication for each.
- (a) Since December 2010 I have written 27 law related informational articles in the quarterly Sumter Living Magazine titled “Murphy’s Law”.
 - Laws for Animals...and Humans Too! (Vol. 13 No. 4)
 - Civil Rights and Bathrooms (Vol. 13 No.3)
 - The Greatest Trial in History: The Nuremberg Trials (Part 2) (Vol. 13 No.2)
 - The Greatest Trial in History: The Nuremberg Trials (Part 1) (Vol. 13 No. 1)
 - “Yearning to Breathe Free”: Immigration Law in the United States (Vol. 12 No. 6)
 - The US Supreme Court and the Institution of Marriage (Part 2) (Vol. 12 No. 5)
 - The US Supreme Court and the Institution of Marriage (Part 1) (Vol. 12 No. 4)
 - Jury Service: Duty or Burden? (Vol. 12 No.2)
 - Injured On the Job? The South Carolina Worker’s Compensation System (Vol. 12 No.1)
 - Illegal Employment Discrimination: What It Is and What to Do About It (Vol. 11 No. 6)
 - Help Wanted: Employment Law in South Carolina (Vol. 11 No. 5)
 - The Law of Armed Conflict (Vol. 11 No.4)

Keep Your Eye on the Road: Laws for Summer Recreation Vehicles (Vol. 11 No.3)
 Public Defenders: Advocates for the Poor (Vol. 11 No. 2)
 The Church, the State and the Constitution (Vol. 11 No. 1)
 Understanding the Veterans' Disability Claims Process (Vol. 10 No. 6)
 Child Custody and Support (Vol. 10 No. 4)
 Marriage and Divorce in South Carolina (Vol. 10 No. 2)
 Crime Committed by Kids: The Juvenile Justice System (Vol. 10 No. 1)
 Make My Day: The Castle Doctrine in South Carolina (Vol. 9 No. 6)
 The Military Justice System (Vol. 9 No. 5)
 Duties of a Landowner to Their Guests...and Trespassers Too (Vol. 9 No. 4)
 Adoption—A Permanent Solution to a Temporary “Problem” (Vol. 9 No. 3)
 What to Expect If You Get Arrested (Vol. 9 No. 1)
 Magistrate Court: The “People’s Court” in South Carolina (Vol. 8 No. 6)
 Answers to Common Questions About Wills (Vol. 8 No. 5)
 Nothing Simple About Simple Documents and Forms (Vol. 8 No. 4)
 (b). A Defense of the Role of the Convening Authority: The Integration of Justice and Discipline. 28 The Reporter 3 (September 2001)
 (c). Law for Air Force Officers. Kendall-Hunt Publishing Co., Dubuque Iowa (1997)
 General Editor & Contributing Author
 (d). Excerpts from the Nuremberg Trials. 6 USAFA Journal of Leg. Studies 5 (1995-1996)
 (with Jeff E. Whitfield)
 (e). A Matter of Force: The Redefinition of Rape. 39 AF Law Review 19 (1996)
 (f). The Commonwealth of Independent States: Mechanism for Stability or Domination? 5 USAFA Journal of Leg. Studies 57 (1994-1995)
 (g). Corroboration Resurrected: The Military Response to Idaho v Wright. 145 Mil Law Rev. 166 (1994)
 (h). Preparing Prosecuting and Understanding Spouse Abuse Cases. 19 The Reporter 7 (1992)

13. List all courts in which you have been admitted to practice and list the dates of your admission. Give the same information for administrative bodies that require a special admission to practice.
- (a) Commonwealth of Pennsylvania (1986) presently inactive
 - (b) United States Court of Appeals for the Armed Forces (1987)
 - (c) United States Air Force Court of Criminal Appeals (2001)
 - (d) United States Supreme Court (2001)
 - (e) State of South Carolina (2006)
 - (f) United States District Court for District of South Carolina (2007)
 - (g) United States Court of Appeals for the Fourth Circuit (2008)
 - (h) United States Court of Veterans Appeals (2008)
14. Describe chronologically your legal experience since graduation from law school and include a list of all law firms with which you have been associated. Describe the general character of your practice and divide it into periods with dates if its character has changed over the years.

(a) After graduating from Duquesne School of Law, I served from August 1986 to January 1987 as the Law Clerk for two trial level judges (Hon. Gary G. Leasure and Hon. J. Frederick Sharer) for the Circuit Court in Allegany County, Cumberland, Maryland. I also served as the county legal law librarian. In this position, I assisted the court with research, writing orders and opinions and other duties as directed by the judges. I left this position to enter active duty with the United States Air Force.

(b) After a period of training (Jan-March 1987), I served as the Assistant Staff Judge Advocate for the 501st Tactical Missile Wing at RAF Greenham Common, United Kingdom between March 1987 and July 1989. I supervised two paralegals and was responsible for adjudicating various tort claims, international claims and medical claims filed against the Air Force totaling over \$250,000 per year. I was the primary legal advisor to the base clinic on medical tort liability and standard of care issues. As a base level prosecutor, I tried thirteen courts-martial, including three where I was specifically requested "by name" to travel to other Air Force bases in the United Kingdom. The cases included vehicular homicide, child sexual abuse, drug distribution, spouse abuse, aggravated assault and other crimes under the Uniform Code of Military Justice (UCMJ). I also successfully represented the Air Force in an eviction action against a British subject before the British Crown Court.

(c) In July 1989 I transferred from the base legal office and became the Area Defense Counsel for RAF Greenham Common, RAF Welford and RAF Fairford, United Kingdom until June 1990. I represented military defendants in a dozen courts-martial, two litigated administrative boards and over 150 various other actions. Cases included rape, arson, assault and other violations of the UCMJ. I never lost a litigated case and was able to get three charged cases dismissed before trial by the commander. My supervisor ranked me as top defense attorney in the United Kingdom.

(d) From June 1990 to June 1993, I was stationed at Travis Air Force Base, California where I served as one of four full time lead supervisory prosecutors representing the United States at 21 AF bases in an 8 state region throughout the western USA. I obtained convictions in over 60 courts-martial in a three-year period in felony level cases, including rape, armed robbery, aggravated assault, child sexual abuse, spouse abuse, desertion, drug use and distribution, various forms of fraud and theft. I was the first Air Force prosecutor to make use of expert testimony regarding "Battered Spouse Syndrome" to help explain the reluctance of beaten spouses to testify truthfully against their abusers. My responsibilities also included training base level prosecutors in trial preparation and advocacy.

(e) From June 1993 until February 1997, I was stationed at the United States Air Force Academy teaching various undergraduate legal courses in the Department of Law. Over the course of my tour, I rose to the academic rank of Associate Professor and for three years served as the Course Director of the only legal "core" course at the Academy required for all cadets. In addition to my own teaching load, this duty required me to direct the work of 11 faculty members. I also taught two electives (criminal law and constitutional law). I served as the Academic Advisor in Charge for the Department's undergraduate Legal Studies major, as an advisor and hearing officer for the Academy's Honor Code system, and as a faculty recruiter and tutor for the AFA football team. During my last year, I was chosen to create a new "core" course and oversee the writing and publication of its textbook. In addition to my academic responsibilities, I was the prosecutor in one court martial of a cadet for assault, and served as the Article 32, UCMJ hearing officer (similar to a magistrate in a

preliminary hearing) in about six other military cases at various Colorado Springs AF bases. I was selected as the Academy's "Outstanding Educator in Law" for the 1996-1997 academic year.

(f) From February 1997 until July 2000, I was assigned as the Staff Judge Advocate (SJA) for the 435th Airlift Wing at Dover Air Force Base, Delaware, supervising a staff of seven attorneys, ten paralegals and three civilian support staff at a base consisting of over 5000 active duty personnel. I was responsible for legal advice to over 30 commanders on a wide range of criminal and civil issues, including military justice, environmental law, contracts, labor and employment, property, fiscal and tax law, torts and various administrative actions. On behalf of the base commander, I personally negotiated with legal representatives and other officials from state and federal governments on various issues of concern to the base. These included direct negotiations with the Attorney General of Delaware regarding jurisdiction in criminal cases involving active duty airmen, EPA and state environmental officials on fines for regulatory violations and local authorities regarding zoning restrictions related to property next to the base. I was responsible for the administration of a military justice system that, over a three-year period, prosecuted over 30 courts-martial and over 250 other adverse criminal actions, as well as an additional 150 cases in US Magistrate Court. Additionally, I settled various tort and medical claims against the United States totaling over \$18 million. In 2000, I provided legal briefings, both "on the record" and "on background", to local and national media organizations—including "60 Minutes"—during the national coverage of UCMJ proceedings against an officer who refused to obey an order to take the anthrax vaccine.

(g) From July 2000 until January 2002, I was assigned as the Chief Appellate Defense Counsel and Deputy Division Chief of the AF Appellate Defense Division at Bolling AFB, DC. I represented military defendants on appeal before the Air Force Court of Criminal Appeals, the US Court of Appeals for the Armed Forces and the United States Supreme Court. I provided daily management and direction to a staff of 19 attorneys and 3 paralegals, personally argued 5 cases before service courts, and drafted 90 briefs in cases ranging from murder to dereliction of duty. During my tour, I supervised the drafting of over 1400 briefs to the military appellate courts and an additional dozen writs to the US Supreme Court.

(h) From January 2002 to June 2004, I was assigned to the Headquarters of the Air Force Judge Advocate General Corps at the Pentagon in the Administrative Law Division. I was the primary legal advisor on issues arising from re-organization, homeland security, civil rights, equal opportunity and matters dealing with federal civilian employees. I wrote eight published Civil Law Opinions of the Air Force Judge Advocate General that established precedential policy on matters involving command structures, the constitutionality of various minority recruitment programs and the forced deployment of civilian federal employees in support of operations in Iraq and Afghanistan.

(i) From June 2004 until my retirement from the Air Force in February 2007, I was the Deputy Staff Judge Advocate of Ninth Air Force and US Central Command Air Forces (9AF/CENTAF) at Shaw Air Force Base, South Carolina. The 13 member legal office at 9AF/CENTAF provided advice to four bases in the USA and over 13 bases and units in Southwest Asia on issues ranging from the UCMJ to flyover rights for AF aircraft under international law. During this assignment, I also was deployed three times as the Staff Judge Advocate (primary legal advisor) at the Combined Air Operations Center at Al Udeid

AB in Qatar. In addition to supervising two attorneys, I provided time-sensitive operational legal advice on myriad targeting and other international legal issues arising under the laws of armed conflict to the commander controlling combat air operations in Iraq and Afghanistan. I held a Top Secret Security Clearance during my military career and retired with the rank of Lieutenant Colonel.

(j) After my retirement in February 2007, I joined The Law Offices of Wade S. Kolb, Jr. in Sumter, South Carolina as an associate for one year, and then as a partner in the firm of Kolb & Murphy (now Kolb, Murphy & Givens,) Attorneys at Law, LLC. My practice with the firm consists of criminal defense in federal trial and appellate courts (including military courts-martial), and general civil practice in state and federal courts. My general practice has consisted mostly of probate issues, breach of contract, accidents and claims before various federal administrative bodies. These include proceedings involving the Veterans Administration, Social Security Administration and Equal Employment Opportunity Commission. I have a small family law practice consisting almost exclusively of military clients. Since 2015, I have become a certified mediator in Circuit and Family Courts and a certified arbitrator. I have handled eight mediations in the past year.

(k) At the same time, I have served as a part-time Public Defender in Sumter County, representing indigent clients in Circuit Court. Since July 2012, I have also served as the Chief County Public Defender for Sumter County, where I assist the Chief Defender for the Third Circuit with administrative responsibilities unique to Sumter County. My caseload as a Public Defender has varied between 150-300 active cases. I have represented indigent clients in a number of litigated cases, including murder, criminal sexual conduct with a minor, criminal sexual conduct first degree, burglary, assault with intent to kill and other crimes.

15. Please answer the following (if you are a judge and are not seeking a different type of judgeship, this question is inapplicable):

(a) If you are a candidate for Family Court, please provide a brief written description of your experience within each of the following Family Court practice areas: divorce and equitable division of property, child custody, adoption, abuse and neglect, and juvenile justice. Include information about cases you have handled in each of these practice areas, or if you have not practiced in an area, describe how your background has prepared you to preside over such matters as a Family Court Judge.

(b) If you are a candidate for Circuit Court, please provide a brief written description of your experience in criminal matters, including any cases handled over the past five years and include a brief description of the issues involved. Further, please provide a brief written description of your experience in civil matters, including any cases handled over the past five years and include a brief description of the types of matters handled, issues involved, and procedural history. Please include information such as the primary areas in civil court in which you practice, whether you represent plaintiffs or defendants, or both. You may go back further than five years if you feel it would assist the Commission with its assessment of your experience. If you lack experience in an area, describe how your background has prepared you to preside over such matters as a Circuit Court Judge, or how you would compensate for your lack of experience in this area.

As noted, in my capacities as a public defender and in private practice, I have represented hundreds of criminal defendants before the Circuit Court and US District Court, US Magistrate Court and at a General Courts-martial held on Shaw AFB. Cases that have proceeded to trial include defendants accused of murder, criminal sexual conduct, armed robbery, burglary and other offenses. I have also represented about ten clients on substantive appeals before the US Court of Appeals for the Fourth Circuit.

I have represented plaintiffs in the civil cases I have handled. They include eight automobile accident cases which were settled either shortly before or after the filing of a complaint in the Court of Common Pleas, and one case in US District Court alleging the tort of intentional infliction of emotional distress against a Florida corporation on behalf of an employee. All cases settled prior to trial.

I have represented plaintiffs in six debt collection actions in State Magistrate Court. Three settled. Three went to trial and my client received a judgment in all three cases. Two cases proceeded to collection action before the Master-in-Equity.

I have represented about 50-60 clients in filing and litigating various administrative claims under the Federal Tort Claims Act (two medical malpractice cases), Veterans Claims, Social Security claims and discrimination and harassment claims under Federal law before the Equal Employment Opportunity Commission.

During my Air Force career, I handled a wide variety of cases and claims involving civil law issues, including medical malpractice, various tort actions, contract law, environmental law, employee law and zoning issues. Thus, I do believe that I have the requisite understanding of these types of cases as a result of my experience.

- (c) If you are a candidate for Master-In-Equity, please provide a brief written description of your experience in the Master's court, including any cases handled over the past five years and include a brief description of the issues involved. Please include the frequency of your appearances before a Master-In-Equity.
- (d) If you are a candidate for Administrative Law Judge, please provide a brief written description of your experience before an Administrative Law Judge, including any issues discussed and the frequency of your appearances before the Administrative Law Judge Court.

16. What is your rating, if any, by any legal rating organization, such as, Best Lawyers, Chambers, Legal 500, Martindale-Hubbell, Who's Who Legal, Super Lawyers, etc.? If you are currently a member of the judiciary, list your last available rating, if any.

* **Retired justices/judges and justices/judges applying for re-election to their current position may omit Questions 17-22. If a candidate is seeking a judgeship different than his or her current position, Questions 17-22 should be answered based on experience prior to serving on the bench.**

17. What was the frequency of your court appearances during the five years prior to your election to the bench?
- (a) federal: 25%
 - (b) state: 75%

18. What percentage of your practice involved civil, criminal, domestic, and other matters during the five years prior to your election to the bench?
- (a) civil: 15%
 - (b) criminal: 70%
 - (c) domestic: 10%
 - (d) other: 5%
19. What percentage of your practice in trial court during the five years prior to your election to the bench involved matters that went to a jury, including those that settled prior to trial?
- (a) jury: 25%
 - (b) non-jury: 75%
- Did you most often serve as sole counsel, chief counsel, or associate counsel in these matters?
- Sole Counsel or Chief Counsel
20. List five of the most significant litigated matters you have personally handled in either trial or appellate court or before a state or federal agency, prior to your election to the bench. Give citations if the cases were reported and describe why these matters were significant.
- (a) United States v. Scheffer, 523 US 303; 118 S. Ct. 1261; 140 L. Ed. 2d 413 (1998). As the trial prosecutor in this case, I moved to suppress the results of an exculpatory polygraph offered by the defendant to deny his use of illegal drugs. The defendant had moved at trial that he was entitled to introduce this evidence and that military rules of evidence mandating exclusion were in violation of the due process clause. At trial, I successfully argued against the defense motion. On appeal, after one military appellate court held otherwise, the US Supreme Court concluded that the military rules of evidence mandating exclusion of polygraph evidence did not violate the due process clause and the conviction in this case was ultimately affirmed.
- (b) South Carolina v. Stavis. 2009-GS-43-0801. This was the last of three trials in which I represented Mr. Stavis, the last two of which he was facing life imprisonment without parole if convicted. He was acquitted at each trial. In this case, Mr. Stavis was charged with CSC 1st, Kidnapping and Burglary First degree. The State's evidence included a DNA sample. At trial, I elicited testimony from the alleged victim during cross-examination that flatly contradicted the testimony of a police officer testifying for the State. I was also able to introduce evidence that the alleged victim had a poor reputation for truthfulness, had racial bias and undercut the argument that the encounter was non-consensual. The case received some coverage in the local media and, given the prior acquittals, the State gave a maximum effort to secure a conviction. It was an extremely difficult case factually given the DNA evidence.
- (c) United States v. Manginell, 32 MJ 891 (AFCMR 1991). This case, arising from "Operation Just Cause" (the US invasion of Panama in 1989) was the first military prosecution for the charge of "looting" under Article 103, UCMJ in about twenty-five years. During my preparation as the trial prosecutor, I discovered a conflict in the military legal authorities concerning the definition of "looting" and whether an element of "force" was required for the crime. In support of the legality of defendant's guilty plea to the charge, I drafted a detailed brief supporting the conclusion that the crime of "looting" did not require an element of force. On appeal, the Air Force appellate court agreed with my analysis and

referenced my brief in its opinion upholding the plea. The case was relied upon in subsequent military cases concerning this crime, and the current definition of "looting" in military legal authorities clearly reflect its holding concerning the absence of force.

(d) South Carolina v. Shannon, 2010-GS-43-0648. I represented Mr. Shannon at trial on a murder charge. He was accused of shooting and killing his girlfriend. The defense strategy was to seek a conviction for involuntary manslaughter, arguing that while my client was reckless, the shooting was not malicious. The defense case was "proven" through the State's witnesses and evidence, including the 911 tape submitted by the State, the testimony of first responders and some helpful testimony from the forensic experts from SLED. I also successfully argued against the State's contention that a charge for involuntary manslaughter was not supported by the facts. Mr. Shannon was convicted by the jury of involuntary manslaughter and was sentenced to five years.

(e) United States v Hennis, 40 MJ 865 (AFCMR 1994). The complexity of this case is not evident in the appellate opinion. I served as the trial prosecutor. The defendant was charged with various indecent acts upon his minor daughter at his duty stations in Utah and in Idaho. On the evening before trial, defendant and his civilian defense attorney left Idaho, traveled to Utah and attempted to enter guilty pleas to similar charges in state court. Utah authorities returned the defendant to military authorities. However, defendant's wife and daughter (the victim) refused to return to Idaho to testify in his court-martial. As a result, the prosecution case rested on a detailed "diary" summarizing and detailing the abuse that was required as part of her medical treatment. I successfully overcame a defense motion to suppress this "diary" under the hearsay exception for statements made in furtherance of a medical diagnosis. I also successfully argued against attacks on military jurisdiction and bias in the selection of the court-martial panel. After losing this motion, defense conceded certain facts (that serve as the basis for the appeal). Defendant was convicted without the testimony of the victim.

21. List up to five civil appeals you have personally handled, prior to your election to the bench. Give the case name, the court, the date of decision, and the citation if the case was reported.
- (a) I have been involved in an appeal of one probate matter to the Court of Common Pleas. The case was Wise v. Manley, 2007-CP-14-190. The Court of Common Pleas remanded the case to the Probate Court requesting clarification on one of the issues and shortly afterward, the case settled.
- (b) I have had two appellate cases before the US Court of Appeals for Veterans' Claims. The first involved an appeal and brief supporting reversal of a decision by the Board of Veterans' Appeals (BVA). The second involved filing a Petition for a Writ of Mandamus requesting enforcement of a BVA order by the VA Regional Office in Tampa, Florida. In both cases, the General Counsel for the VA joined the actions and the matters were ultimately settled in favor of my clients.
22. List up to five criminal appeals that you have personally handled, prior to your election to the bench. Give the case name, the court, the date of decision and the citation if the case was reported.

- (a) United States v. Washington, 54 MJ 936 (AF Court of Criminal Appeals 2001); remanded United States v. Washington, 57 MJ 936 (US Court of Appeals Armed Forces 2002) decision date: 9/20/2002
- (b) United States v. Whitney, 55 MJ 413 (US Court of Appeals Armed Forces 2001) decision date: 9/20/2001
- (c) United States v. Traum, ACM No. 34225 (AF Court of Criminal Appeals 2002) (unpublished) decision date: 6/28/2002
- (d) United States v. Ross, 416 Fed. Appx 289 (4th Cir. 2011) (unpublished) date decided: 3/16/11
- (e) United States v. David, 12-4492 (4th Cir. 2013) (unpublished) date decided: 1/31/13
23. Have you ever held judicial office? If so, list the periods of your service, the courts involved, and whether you were elected or appointed. Describe the jurisdiction of each of the courts and note any limitations on the jurisdiction of each court. No.
24. If the answer to question 23 is yes, describe or list five of your most significant orders or opinions and give the citations if they were reported. Also list citations to any appellate review of these orders or opinions. N/A
- (a)
- (b)
- (c)
- (d)
- (e)
25. Have you ever held public office other than judicial office? If so, list the periods of your service, the office or offices involved, and whether you were elected or appointed. Also, state whether or not you have timely filed your report with the State Ethics Commission during the period you held public office. If not, were you ever subject to a penalty? If so, give details, including dates.
- No.
26. List all employment you had while serving as a judge (whether full-time or part-time, contractual or at will, consulting or otherwise) other than elected judicial office. Specify your dates of employment, employer, major job responsibilities, and supervisor.
- N/A
27. Have you ever been an unsuccessful candidate for elective, judicial, or other public office? If so, give details, including dates.
- Yes. Circuit Judge at Large, Seat 9 (August 2014-January 2015)

28. Have you ever been engaged in any occupation, business, or profession other than the practice of law, teaching of law, or holding judicial or other public office? If so, give details, including a description of your occupation, business, or profession, the dates of your employment, and the name of your business or employer.

During my initial Air Force tour, judge advocates were tasked at the time to augment the staff of the operational wing as intelligence officers. I received training and served as an intelligence officer during exercises. During my deployments to Qatar, I was the commander of the flight during travels to and from the United States due to my status as the senior ranking officer.

29. Are you now an officer or director or involved in the management of any business enterprise? Explain the nature of the business, your duties, and the term of your service.
No.

30. Provide, as a separate attachment, a complete, current financial net worth statement that itemizes in detail:

- (a) the identity and value of all financial assets held, directly or indirectly, including, but not limited to, bank accounts, real estate, securities, trusts, investments, and other financial holdings; and
- (b) the identity and amount of each liability owed, directly or indirectly, which is in excess of \$1,000, including, but not limited to, debts, mortgages, loans, and other financial obligations.

(Your response to this question may state "see attached").

See Attached; A complete current financial net worth statement was provided to the Commission

(A net worth statement is provided with this questionnaire and you must use this format for submission of your financial statement.)

NOTE: The Commission may require written confirmation that financial obligations have been satisfied or that the parties have agreed upon a payment schedule.

31. Describe any financial arrangements or business relationships you have, or have had in the past, that could constitute or result in a possible conflict of interest in the position you seek. Explain how you would resolve any potential conflict of interest.

None

32. Have you ever been arrested, charged, or held by federal, state, or other law enforcement authorities for violation or for suspicion of violation of any federal law or regulation, state law or regulation, or county or municipal law, regulation, or ordinance, or any other law, including another country's law? If so, give details but do not include traffic violations for which a fine of \$125 or less was imposed.

No

33. Have you, to your knowledge, ever been under federal, state, or local investigation for possible violation of a criminal statute? If yes, explain.
No
34. Has a tax lien or other collection procedure ever been instituted against you by federal, state, or local authorities? Have you ever defaulted on a student loan? Have you ever filed for bankruptcy? If so, give details.
No
35. Have you ever been sued, either personally or professionally, that is, have you ever been named as defendant or respondent in any court of law? If so, give details, including, but not limited to, dates and resolution.
No
36. Have you ever, in South Carolina or any other jurisdiction, as a lawyer, judge, or other professional, been sanctioned or disciplined for lawyer, judicial, or other professional misconduct or has any jurisdiction found that you committed any misconduct? If so, give the details and describe any final disposition.
[Yes and no responses are redacted for all candidates unless there is a public discipline.]
37. Have you ever been investigated by the Department of Social Services? If so, give the details and the resolution. Has your name ever been enrolled on the Central Registry of Child Abuse and Neglect? If so, give the details.
No.
38. If you are in private practice, are you covered by malpractice insurance and, if so, how long have you carried malpractice insurance? If applicable, have you ever been covered by a tail policy? If so, please explain when you were covered by a tail policy. Also, if applicable, indicate your coverage and deductible for your current malpractice policy.
Since 2007 I have been covered by malpractice insurance that is paid by the firm of Kolb, Murphy & Givens, Attorneys at Law LLC. Presently, the firm is insured by First Indemnity Insurance Group in the amount of \$500,000 per claim and \$1 million aggregate. The deductible is \$1000.
39. Are you active on or a member of a social media or Internet site or have you, to your knowledge, been featured or depicted on a social media or Internet site, such as, Facebook, LinkedIn, Twitter, etc.? If so, how would your use of social media or other similar types of Internet sites be affected if you were serving in a judicial capacity?
I presently have Facebook, LinkedIn, Instagram and Twitter accounts. The LinkedIn account is for professional purposes and I would delete it if I were elected. I use the Facebook account to primarily interact with family, old classmates and friends and individuals I have been stationed with in the Air Force. My Instagram Account is to follow photographs posted by my sons. My Twitter account is primarily used to get access to various publications and blogs. In regard to the Facebook and Twitter accounts, I would limit the personal information available to others and minimize my comments. I do not comment on work related matters in any event.

40. Are you now or have you ever been employed as a "lobbyist," as defined by S.C. Code § 2-17-10(13), or have you acted in the capacity of a "lobbyist's principal," as defined by S.C. Code § 2-17-10(14)? If so, give the dates of your employment or activity in such capacity and specify by whom you were directed or employed.
No.
41. Since filing with the Commission your letter of intent to run for judicial office, have you accepted lodging, transportation, entertainment, food, meals, beverages, money, or any other thing of value as defined by S.C. Code § 2-17-10(1) from a lobbyist or lobbyist's principal? If so, please specify the item or items you received, the date of receipt, and the lobbyist or lobbyist's principal involved.
No.
42. S.C. Code § 8-13-700 provides, in part, that "[n]o public official, public member, or public employee may knowingly use his official office, membership, or employment to obtain an economic interest for himself, a member of his immediate family, an individual with whom he is associated, or a business with which he is associated." Please detail any knowledge you have of any formal charges or informal allegations against you or any other candidate for violations of these provisions. Include the disposition, if any, of such charges or allegations.
None
43. S.C. Code § 8-13-765 provides, in part, that "[n]o person may use government personnel, equipment, materials, or an office building in an election campaign." Please detail any knowledge you have of any formal charges or informal allegations against you or any other candidate for violations of these provisions. Include the disposition, if any, of such charges or allegations.
None
44. Itemize (by amount, type, and date) all expenditures, other than those for travel and room and board, made by you, or on your behalf in furtherance of your candidacy for the position you seek. If you have spent over \$100, have you reported your expenditures to the House and Senate Ethics Committees?
None at this time
45. List the amount and recipient of all contributions made by you or on your behalf to members of the General Assembly since the announcement of your intent to seek election to a judgeship.
None.
46. Have you directly or indirectly requested the pledge of any member of the General Assembly as to your election for the position for which you are being screened or have you been offered a conditional pledge of support by any legislator pending the outcome of your screening? Have you received the assurance of any public official or public employee that

they will seek the pledge of any member of the General Assembly as to your election for the position for which you are being screened? If so, give details.

Note: The flash drive with your application materials contains (1) Section 2-19-70(c); (2) JMISC Rule 24, and (3) informal opinions and letters concerning pledging prohibitions, with which third parties acting on your behalf, as well as you, must comply.

No.

47. Have you requested any third parties to contact members of the General Assembly on your behalf before the final and formal screening report has been released? If so, give details. Are you aware of any third parties contacting members of the General Assembly on your behalf? If so, give details. No.
48. Are you familiar with the 48-hour rule, which prohibits a candidate from seeking pledges until after the draft report becomes final, which occurs on the day and time specified on the Commission's published screening schedule? Yes.
49. Have you or has anyone acting on your behalf solicited or collected funds to aid in the promotion of your candidacy? If so, please specify the amount, solicitor, donor, and date of the solicitation. No.
50. Since submitting your letter of intent to become a candidate, have you or has anyone acting on your behalf contacted any member of the Judicial Merit Selection Commission about your candidacy or intention to become a candidate? If so, give details. No.
51. List all bar associations and professional organizations of which you are a member and give the titles and dates of any offices you have held in such groups.
 - (a) Sumter County Bar Association, 2007 to present
 - (b) South Carolina Bar Association, 2007 to present
Law Related Education (LRE) Committee (2007-present); Military and Veterans Law Council (2012-present; Vice-Chair)
 - (c) Duquesne University Law School Alumni Association (2007-present)
 - (d) South Carolina Public Defender Association (Third Judicial Circuit Representative, 2015-present)
52. List all civic, charitable, educational, social, and fraternal organizations of which you are or have been a member during the past five years and include any offices held in such a group, any professional honors, awards, or other forms of recognition received and not listed elsewhere.
 - (a) Sumter-Palmetto Rotary Club (2007-2016 (Board member);
 - (b) Sumter Rotary Morning Club (2016-present)
 - (c) Military Officers Association of America, Santee-Wateree Chapter (2011-present, Vice-President, President)
 - (d) Sumter-Shaw Community Council (2007-present)
 - (e) Knights of Columbus (2016-present)
 - (f) Iraq and Afghanistan Veterans of America (IAVA) (2016-present)

(g) Saint Anne Catholic School Advisory Board (2012-13, President)

(h) Our Lady of the Skies Catholic Chapel Advisory Council (2012-2015) Chapel Finance Working Group, 2012-2015)

53. Provide any other information that may reflect positively or negatively on your candidacy, or which you believe should be disclosed in connection with consideration of you for nomination for the position you seek. This information may include how your life experiences have affected or influenced the kind or type of judge you have been or plan to be.

Neither of my parents finished high school. However, they remain two of the wisest people I have ever known. Education was always a priority in our household growing up. My parents were well read. Both were well informed and encouraged discussions regarding current events, politics and religion. They instilled in me a love for learning that I have possessed throughout my life. Thanks to their example, I have viewed my professional career as one continuous opportunity to learn something new—about the law, about people and about myself.

My parents were not wealthy. Reflecting on my childhood, it has become very evident to me that they struggled financially. At times, we lived without electricity and plumbing because we could not afford to have these fixed. Our entire home was the size of some families' garages. At the time, however, these challenges didn't seem burdensome. My parents viewed themselves as blessed, and consistently reminded my brother and me that we were fortunate to live in a nation with so much to offer, and that there existed so many who were less fortunate. They taught me that all people had value, and that character and integrity—rather than wealth and status—were the true measures of a person.

Despite their financial situation, my parents were generous people—with their time and resources. They sacrificed by providing as much as possible for my education and supporting my goals. Prior to high school, I wanted to study for the Catholic priesthood. My parents supported me, paying tuition for me to attend Saint Fidelis Seminary and dealing with my absence at home during four years of high school and my freshman year of college. After I transferred to Duquesne, they supported me financially as much as possible and provided me with advice and guidance on numerous matters. Though my parents have been dead for many years, I still rely on their guidance and example, and have tried, through my faith and my conduct to prove worthy of their sacrifice and example.

While the example and support of my parents was vital to me as I matured, the single most important influence in my life has been my wife of almost thirty years. Daily, my wife demonstrates patience, kindness and love. Her present profession as a teacher stemmed from her belief that God was calling her to be a witness of those traits to children in her care. Together we have raised two sons who have grown into men of good character and inspire me daily with their examples.

One benefit of my Air Force career is that I have had a wide variety of legal and life experiences. I have enjoyed the personal and professional challenges of every duty position in which I have served. Both in the Air Force and since my retirement, I've had the

opportunity to meet and deal with a wide variety of people from different backgrounds and cultures from across our country and throughout the world.

What I have come to believe is that, notwithstanding their differing backgrounds and cultures, most people have similar outlooks and values, and most people reciprocate the type of treatment they receive. I have also witnessed, both in my own family and in dealing with various people, the capacity of each person for doing great good or great harm, as well as the capacity to overcome poor decisions.

I have been shaped and influenced by my faith, my education, my experiences as well as the examples of my wife, family and my parents. These influences have served me well in my roles as a husband, father, officer and an attorney, and should I have the privilege, they would provide the basis of my conduct as a Circuit Court judge.

54. List the names, addresses, and telephone numbers of five (5) persons, including your banker, from whom you are providing references. Also, provide the Commission with **original letters** of recommendation from each person listed herein, including their signature (preferably in blue ink). **The Commission will not accept a photocopy or electronic submission of a letter of recommendation and failure to include all five (5) original letters of recommendation in your packet when you submit it will render your packet incomplete.** Please **do not** have references mail your reference letters to the Commission directly. *You must return the five (5) original letters of recommendation to the Commission with your application packet.*

(a) Wade S. Kolb, Jr., 107 N. Main Street, Sumter SC 29150 (803) 418-0800

(b) Jack D. Howle, Jr. 215 N. Harvin St., Rm 151, Sumter SC 29150 (803) 774-6137

(c) Christopher Wegemer, 8 Woodcock Ct., Wyoming DE 19934 (302) 734-2559

(d) Christopher Ramras, 8432 NW Hawkins Blvd, Portland OR 97229 (503) 988-3195

(e) Cheryl Hodge SAFE FCU PO Box 2008, Sumter SC 29151 (803) 469-8600 x3062

55. Describe any interest you or a member of your immediate family has in real property:
- (a) in which there is a potential conflict of interest with your involvement in a South Carolina state or local public agency;
 - (b) in which there have been public improvements of \$200 or that adjoins property in which there have been public improvements of \$200; or
 - (c) which was sold, leased, or rented to a state or local public agency in South Carolina.

None

List the interest you hold and the value and location of the property. Identify as applicable the:

(a) nature of any potential conflict of interest;

(b) nature and value of any public improvements; and

(c) South Carolina state or local public agency which purchased or is leasing or renting such property.

Attach a copy of any contract or agreement.

56. Identify any personal property interest you or a member of your immediate family sold, leased, or rented to a South Carolina state or local public agency. Identify the property, its

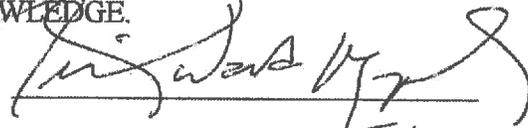
amount or value, and the name of the agency. Attach a copy of any contract or agreement.
None

57. For sitting judges, have you used judicial letterhead or the services of your staff, for which you did not pay, while campaigning for this office?

YOUR SIGNATURE WILL BE HELD TO CONSTITUTE A WAIVER OF THE CONFIDENTIALITY OF ANY PROCEEDING BEFORE A GRIEVANCE COMMITTEE OR ANY INFORMATION CONCERNING YOUR CREDIT.

I HEREBY CERTIFY THAT MY ANSWERS ARE TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

Signature:



Sworn to before me this 27 day of July, 2016.



(Notary Signature)

Cassandra J. James

(Notary Printed Name)

Notary Public for South Carolina

My Commission Expires: 2/15/17